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17 October 2006
Date

Sharon A. Johnson
Sharon A. Johnson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re

Attorney Docket No. 013869-9006-01

Application of

TOMOTHERAPY INCORPORATED

U.S. Serial No. 10/567,480
(U.S. National Phase of
PCT/US2004/025807)

International Filing Date: 9 August 2004

"STEREOTACTIC UPPER BODY
FIXATION AND POSITIONING
DEVICE"

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. §371 IN THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

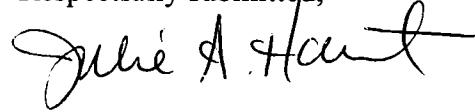
This is in response to the Notification of Missing Requirements under 35 U.S.C. §371 which was mailed 06 September 2006 and a copy of which is attached. Also attached is the Declaration and Power of Attorney.

The Notice of Missing Requirements indicates that additional claim fees of \$100 are due. Applicants respectfully disagree and note that an Article 34 amendment was filed during the International phase of this application. The Article 34 amendment cancelled originally filed claim 1 and new claims 2-21 were added. Of the new claims (claims 2-21), only claims 2, 16 and 19 are independent. Accordingly, no additional claim fees are due.

Charge the \$65.00 surcharge fee for the Declaration to Deposit Account No. 13-3080.

Also, charge the deposit account with any shortage or overpayment of the required fee.

Respectfully submitted,



Julie A. Haut
Reg. No. 51,789

Michael Best & Friedrich LLP
100 East Wisconsin Avenue, Suite 3300
Milwaukee, Wisconsin 53202-4108
414.271.6560